

Exhibit U

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF ANOKA

TENTH JUDICIAL DISTRICT

Case Type: Other Civil
(Consumer Protection)

Court File No. 02-CV-17-3488
Judge Bethany Fountain Lindberg

State of Minnesota, by its Attorney General,
Keith Ellison,

Plaintiff,

v.

CenturyTel Broadband Services LLC, d/b/a
CenturyLink Broadband; Qwest Broadband
Services, Inc., d/b/a
CenturyLink; and Qwest Corporation, d/b/a
CenturyLink QC,

Defendants.

**AFFIDAVIT OF DANA J. MOSS IN
SUPPORT OF DEFENDANTS'
OPPOSITION TO THE STATE'S
THIRD MOTION TO
COMPEL DISCOVERY**

Dana J. Moss, first duly sworn states:

1. I am an attorney with the law firm of Cooley LLP. I represent Defendants CenturyTel Broadband Services LLC, d/b/a CenturyLink Broadband, Qwest Broadband Services, Inc., d/b/a CenturyLink, and Qwest Corporation, d/b/a CenturyLink QC (collectively, "CenturyLink") in the above-captioned matter. I have personal knowledge of the facts contained in this Declaration.

2. Attached as A is a true and correct copy of CenturyLink's Objections and Responses to the State's Sixth Set of Interrogatories, served on July 15, 2019, and designated as Confidential. This Exhibit is being filed as "Confidential." CenturyLink also served Objections and Responses to the State's Seventh Set of Interrogatories on July 15, 2019.

3. Attached as Exhibit B is a true and correct copy of CenturyLink's Objections and Responses to the State's Seventh Set of Document Requests, served on July 15, 2019, and designated as Confidential. This Exhibit is being filed as "Confidential."

4. Attached as Exhibit C is a true and correct copy of CenturyLink's Responses to Plaintiff's Second Set of Requests for Admission, served on July 15, 2019.

5. Counsel for CenturyLink and the State met and conferred via telephone about the discovery requests noticed in the State's Second Amended Consolidated Discovery Motion. The State did not meet and confer about Document Request No. 14.

6. Counsel for CenturyLink and the State met and conferred via telephone on August 9, 2014. During that meet and confer, the State's counsel said "Judge Fountain Lindberg will give us anything we ask for."

7. Counsel for CenturyLink sent a letter to the State on August 15, 2019, addressing the State's July 24, 2019, Second Amended Notice of Consolidated Discovery Motion and Consolidated Discovery Motion. This letter explained that CenturyLink had already produced documents responsive to Document Request Nos. 2, 9, 11, 14, 16, 141, 142, 148, 155, 157, 163, 168, 169, 179, 189, 193, 194, 200, 202, 203, 212, 213, 225, and 226 and that CenturyLink would continue to produce documents responsive to those requests on a rolling basis, with a planned completion date during the week of August 26, 2019. CenturyLink also informed the State that it would supplement its responses to the State's Request for Admission No. 56 and Interrogatories Nos. 39, 41, and 42 by the week of August 26, 2019. Based on these continuing good-faith efforts to resolve the discovery disputes without Court intervention, CenturyLink requested that the State not proceed with its motion to compel discovery.

8. Despite CenturyLink's assurances, the State filed its motion, styled as the State's Third Motion to Compel, on August 15, 2019. The State's motion requests an order to compel CenturyLink to respond to the State's Interrogatories Nos. 42, 43, and 45, Document Request Nos. 14, 194, 200, 203, 208, 209, 225, and 226, and Request for Admission No. 56.

9. Four discovery requests (Interrogatory Nos. 43 and 45, and Document Requests Nos. 208 and 209), appeared in the State's Third Motion to Compel that were not in the State's July 24, 2019 Consolidated Discovery Motion. The State has made no effort to meet and confer with CenturyLink regarding the new requests included in its Third Motion to Compel.

10. CenturyLink has produced more than 4,000 documents related to internal communications about training, processes, procedures, and improvements. Those documents include discussions about CenturyLink's efforts to identify representatives who do not follow the proper process to apply CenturyLink's offers, promotions, and Closers and to develop training and communications to correct and prevent future mistakes, errors, or misuse.

11. CenturyLink has produced more than 1,200 documents that relate to PCE or PC Emulation. These documents identify PCE scripts and describe the purpose or function of those scripts.

12. CenturyLink has been working diligently to respond to the State's interrogatories and requests for admission and to supplement its previous productions with any additional documents that may be responsive to the requests for which the State has moved to compel. Since discovery re-opened pursuant to the Court's Order dated June 12, 2019, a team of outside counsel, paralegals, CenturyLink's e-Discovery vendor, and 27 contract attorneys have been working to respond to the State's discovery requests.

13. CenturyLink's e-discovery vendor and contract attorneys have worked more than 5,600 hours, including hours over weekend days, to produce documents to the State. Over the past two months, CenturyLink has produced 176,608 pages of documents to the State. Over the course of this lawsuit and the State's pre-complaint investigation, CenturyLink has produced 262,412 pages of documents and responded to 236 document requests, 76 interrogatories, and 56 requests for admissions.

FURTHER YOUR AFFIANT SAYETH NOT.



Dana J. Moss

District of Columbia: SS
Subscribed and sworn to before me
this 22nd day of August, 2019.



Courtney E. Fisher, Notary Public, D.C.

